

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

PATRICIA WATKINS,

Petitioner,

v.

STATE OF WASHINGTON,

Respondent.

Case No. C06-5141 FDB

ORDER ADOPTING REPORT AND  
RECOMMENDATION DISMISSING  
PETITION FOR HABEAS CORPUS,  
WITH PREJUDICE

This Court adopted the Report and Recommendation of the Magistrate Judge that Petitioner's request for habeas corpus relief be denied and the petition be dismissed with prejudice. The Petitioner has not filed objections. Petitioner challenges her state court conviction of driving under the influence of intoxicants. The habeas petition raises the following issues: (1) lack of counsel at the traffic stop and arrest and failure to know or understand her Miranda warnings because of her level of intoxication, (2) denial of counsel at arraignment, (3) ineffective assistance of counsel due to irreconcilable differences preventing proper attorney/client relationship and due to counsel's poor performance, and (4) third party interference.

As detailed by the Magistrate Judge, the only issue properly exhausted and subject to habeas review is ineffective assistance of counsel due to irreconcilable differences. All other claims are

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1 procedurally barred. The ruling of the state court denying the claim of ineffective assistance of  
2 counsel does not result in a decision that is contrary to, or involves an unreasonable application of,  
3 clearly established federal, as determined by the Supreme Court. Also, the state court ruling is not  
4 based on an unreasonable determination of the facts in light of the evidence presented to the court.

5 The Court, having reviewed the petition for writ of habeas corpus, the response, the Report  
6 and Recommendation of Magistrate Judge J. Kelly Arnold, and the remaining record, does hereby  
7 find and ORDER:

- 8       (1)     The Court adopts the Report and Recommendation;
- 9       (2)     Petitioner's writ of habeas corpus [Dkt. # 1] is DENIED and DISMISSED WITH  
10                  PREJUDICE; and
- 11       (3)     The Clerk is directed to send copies of this order to Petitioner, counsel for  
12                  Respondent and to the Hon. J. Kelly Arnold.

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14                  DATED this 27<sup>th</sup> day of October, 2006.

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FRANKLIN D. BURGESS  
UNITED STATES DISTRICT JUDGE

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